

Potential Charter revisions for the May 2013 Ballot **New Proposals for Consideration for the Committee**

NEW PROPOSAL:

The Committee is asked to make a recommendation on whether the elections of the Mayor and Council should continue to be staggered. They first became staggered with the 2004 charter change that also moved from 2 year to 4 year terms. If removing the staggering of the terms is desired, the above provisions would need to be rewritten so that in June 2015, the District Representatives from districts numbers 1, 4, 5 and 8 would be elected to two year terms and thereafter, to four year terms beginning in 2017. This would eliminate the staggering and all elections would be on the same date beginning in May 2017 for four year terms and the entire Council would all be elected at the same time. This proposal was suggested based on a concern that voter turnout for district elections that don't include the city-wide Mayoral race has declined.

Note: The following are the election results since the staggering of the terms went into effect in 2004, showing the total number of persons voting for each position. Note--after all positions were up for election in 2005, and after the election, the representatives drew lots for the staggering. The Representatives in Districts 1, 5, 6 and 8 drew 2 year terms, so they came up for re-election in 2007. The Mayor and Representatives in Districts 2, 3, 4 and 7 served four year terms, and came up for re-election in 2009.

	<u>2007</u>	<u>2011</u>
District 1	6,555	4,749
District 5	2,651	3,161
District 6	2,207	2,020
District 8	3,350	1,923

	<u>2009</u>
Mayor	30,604
District 2	3,338
District 3	3,984
District 4	4,841
District 7	3,271

NEW PROPOSAL

ARTICLE III THE CITY COUNCIL.

Section 3.2 SALARIES

Commencing on June 23 ~~28~~, ~~2015~~ 2009, the annual base salary of the District Representatives shall be set at the same amount as the HUD program income limits median income as established by the United States Department of Housing and Urban Development, or successor agency, for the 2015 fiscal year for El Paso County ~~twenty-nine thousand dollars~~, and the annual base salary of the Mayor shall be set at one-hundred and fifty percent of this amount. ~~forty-five thousand dollars~~. On and after September 1, ~~2016~~ 2010, the base salaries will be revised annually and be set according to the above formula based on the current fiscal year median income for El Paso County. ~~increased by a percentage equal to the percent increase of the general salary adjustment, if any, given to the classified employees in the general services effective as of the date designated in the budget resolution.~~

Note: This provision was amended in 2007. The salaries of the Representatives were based on the HUD median income for a family of four at that time, and the Mayor was given an additional 50% of that amount. The decision was made to include a specific amount of salary and the exact amount selected was less than the actual median income amount in 2007, so as to keep the amount of the increase from being too great, as the prior salary of the Representatives was \$19,144.39 and \$32,423.39 for the Mayor. Although the provision provided for the possibility of an increase in the salaries, no salary increase occurred since 2009, but the median income calculation has risen.

The information provided by the Community Development Department is that the HUD median income for a family of four in El Paso County for use under applicable federal programs during 2013 is \$42,000.00.

ARTICLE III THE CITY COUNCIL.

Section 3.20 ETHICS AND ACCOUNTABILITY.

NEW PROPOSAL

C. Internal Audit Function.

1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a chief internal auditor and such other appropriate positions as are authorized by the Council who shall report to the chief internal auditor.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the chief internal auditor as needed for the performance of the function.
4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.

5. The Chief Internal Auditor shall be appointed by the City Manager in the same manner as other unclassified employees of the City. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

Note: The above language is based on language currently existing in Section 2.110.030 of the City Code, a Resolution of the Council adopted on August 21, 2012, recommendations submitted in a study conducted by KPMG, and language contained in Houston's Charter. See also, Section 3.6 B on p. 5 of the pending items draft for the revision to the Legislative Committee provision.

ARTICLE VI CIVIL SERVICE.

Section 6.9 SPECIAL PROVISIONS.

Section 6.9-5 ~~DELEGATION~~ ADMINISTRATIVE ACTION.

A. Policies and procedures utilized by the Human Resources Department shall be established administratively by the City Manager or the Human Resources Director as required or authorized by this Article or as necessary for the proper management and operation of the system. All administrative policies and procedures adopted by the City Manager or the Human Resources Director must be consistent with the provisions of this Article, the Civil Service Rules, and applicable state and federal laws.

B. The City Manager may delegate to appropriate individuals the execution of the functions, duties and responsibilities set forth in this Article, as he deems appropriate. Appropriate designees may include department directors and other persons able and assigned to execute the specific functions, duties or responsibilities.

Note: The new language in subsection A was suggested by the Committee at its January 22nd meeting.

Article VII PUBLIC FINANCE.

NEW PROPOSAL

Section 7.17 GENERAL OBLIGATION BONDS.

General obligation bonds may ~~shall~~ be issued for any lawful purpose ~~only~~ in accordance with the laws of Texas and, where required by law, shall be issued only when authorized through a bond election.

The total principal amount of such bonds together with the principal amount of all other outstanding tax indebtedness of the City shall not exceed ten percent of the total assessed valuation of the City's tax rolls.

Note: This revision will clarify the authority for the issuance of GO bonds, so that the issuance is not restricted to the types of authority specifically listed in state statutes, but rather is allowed for any lawful purpose. For example, this change would allow the City to utilize GO bonds as a funding source for an economic development project—a lawful purpose, but not one specifically listed in a state statute.

NEW PROPOSAL

Section 7.23 LEASE AND LEASE PURCHASE.

The City may execute, perform, and make payments under a contract with any person for the use, purchase or other acquisition of any real or personal property, or the financing thereof, including a lease, a lease with an option or option to purchase, an installment purchase or other form considered appropriate by the Council.

Note: This will be a new section in the charter that will allow the City to have more options in the development or joint development of property and projects. The Texas Attorney General requires this type of authorization be in a home-rule city's charter before a city can enter into a lease-purchase agreement—a common form of real estate transaction in the business world.